

COMMONWEALTH OF VIRGINIA

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VIRGINIA HOUSING COMMISSION

Meeting Summary Residential Land Use and Development Work Group September 19, 2007, 3:00 PM House Room C, General Assembly Building Richmond, Virginia

I. Welcome and Call to Order

- Delegate Danny Marshall, Chair

II. HB 3003 (2007) *Rob Bell* Transfer of Development Rights (TDR)

- Trey Adams: Maguire, Woods, Battle
 - i. Calvert County Maryland document will help resolve some of these issues.
 - ii. TDR- Own entity- 500 acres of land, do you have to have that 500 in your "possession" before you could buy land?
 - iii. Buy development rights, record like an easement, then hold until you find property or until someone contacts you.
 - iv. If someone else wants to buy farm they could see that the farmer owns the dirt but not title rights. They will also see the land is still being held.
 - v. Can you sever those rights and record them so everyone can follow the rights?
 - vi. It has to be uniform throughout the state
 - vii. Concern: TDR will not have the same kind of public comment. People who purchase homes don't know a huge development is coming in and they can not protest this issue.
 - viii. Response: Legislation that passed two years ago requires a public comment.
 - ix. Trying to make TDR more marketable.

III. PDR and TDR Discussion

- A. Jack Whitney: Planning Director for Virginia Beach PDR
 - i. Supports both agricultural land and non agricultural land.
 - ii. Sustains economy in the Virginia Beach area.
 - iii. Currently nine cents (.09) go to funding source, which is purely voluntary.
 - iv. There is a goal of 20,000 acres, currently it is up to 7,200 acres.

DELEGATE JOHN A. COSGROVE
DELEGATE ROBERT D. HULL
DELEGATE DANIEL W. MARSHALL, III
DELEGATE MELANIE L. RAPP
DELEGATE TERRIE L. SUIT

SENATOR MAMIE E. LOCKE
SENATOR JOHN C. WATKINS
SENATOR MARY MARGARET WHIPPLE

F. GARY GARCZYNSKI
F. ANDREW HEATWOLE
T. K. SOMANATH

- v. The applicant has no fees out of pocket.
- vi. There is a 25 year pay out. Pay applicants twice a year tax free.
- vii. Conduct appraisal on every property and determine fair market value. Currently about \$900 per acre, and that might be a little low.
- viii. The farmer who sells the right gets a tax credit.
- ix. This program preserves 87 million per year in agricultural land.
 - x. Preserves agricultural heritage and offsets costs for sewer and waste into other parts of the city.
- xi. The easement is recorded on the property and cannot use it for anything other than agricultural purposes.

B. Discussion:

- i. Is it right for developers or home owners to develop something the public wants to preserve?
- ii. TDR's cannot be conditioned for basis of approval.
- iii. No incentives of density with PDR.
- iv. TDR encourages consolidation of density, which helps solve transportation problems.

C. Trey Adams: TDR

- i. Deal with real property value.
- ii. No net loss to local government.
- iii. Severable from real estate, but still taxable.

IV. Other Topics and Public Comment

- None were discussed.

V. Adjourn